

Description	Capital Improvement Program Committee Meeting, February 11, 2009		
Date	02/11/2009	Location	CIP Committee
Time	Speaker	Note	
7:03:47 AM	Chairman David Weaver	Call to order. Members present: Chairman David Weaver, Vice Chair Dawn Hayes, Mary Ellen Fitzgerald, Cynde Hertzog, Dennis Steinhauer, Conrad Anker, David Smith, Todd Mitchell and Commission Liaison Joe Skinner. Staff present: Finance Director Ed Blackman, Grants and Projects Administrator Larry Watson, County Administrator Earl Mathers and Commission Assistant Glenda Howze. Guests: City Commissioner Eric Bryson, Police Chief Mark Tymrak, Assistant City Manager Chuck Winn, Mark Lachapelle, Sheriff Cashell, District Court Administrator Jan Bjork, Commissioner White and Commission Murdock. City Manager Chris Kukulski (portion)	
7:03:57 AM	Chairman Weaver	Presentation by Dowling Sandholm on Law and Justice Campus Complex and Location of Potential City Facilities.	
7:04:18 AM	Jeff Sandholm, Dowling Sandholm Architects	Presentation.	
7:12:18 AM		Questions and discussion with Mr. Sandholm.	
7:12:44 AM	Commissioner Skinner	(Not on microphone) Inquired about the potential for road access between the Guenther Center and the campus.	
7:12:51 AM	Jeff Sandholm, Dowling Sandholm Architects	This concept wouldn't allow it, but it is possible through a revised layout.	
7:14:02 AM	(not on microphone)	Do we foresee the Guenther Center being used long term? Would the County Attorney move back to the campus eventually?	
7:14:28 AM	David Smith (not on microphone)	Noted that the City is planning for a 73,000 square foot facility for police and municipal courts. Asked what the current square footage used by the two in the Law and Justice Center is?	
7:14:46 AM	Chief Mark Tymrak	Not counting the common areas, the two are operating with about 4,000 square feet.	
7:15:30 AM	Chairman David Weaver	Asked if there is a specific request or proposal that the City is making at this time?	

7:16:09 AM	Chief Mark Tymrak	The specific request from the City is that when the County unveiled the master plan, the City was located in the northwest corner. Work with Carter Goble Lee indicated that the City would need a 5 acre site, and we felt it most advantageous for us to be located in the southwest corner. The plan has been tweaked many times and we have sent letters to the County Commission requesting the southwest corner. The City's need for space is somewhere between 2.7 and 4.4 acres and we'd like to enter into negotiations with the County so that we can begin moving on a facility on this piece of property.
7:18:22 AM	Jan Bjork, District Court Administrator	Inquired about the rationale for moving the City Courts from the Court's building to a separate facility?
7:18:44 AM	Chief Mark Tymrak	When we first came up with this proposal Judge Seel was questioned about what would be most efficient for his operation. His first preference was to be relocated with the Police Department and Prosecutors Office. The other issue is that he needs two courts and needs them now. The City is looking around the community to lease space for Judge Seel to run two courtrooms. This will happen as soon as a lease proposal can be put together.
7:19:50 AM	Jan Bjork, District Court Administrator	Won't this be confusing for the public to come to the area and not know which facility to go to for their court matters?
7:20:05 AM	Chief Mark Tymrak	With proper signage we can facilitate this. The flow can be controlled with signage and co-location.
7:20:21 AM	Commissioner Skinner	Asked if there is any possibility of moving forward with a joint building. Noted that there could be considerable cost savings in a joint facility, for both entities.
7:20:34 AM	Chief Mark Tymrak	Stated that he doesn't know what the County's timeline is. Their current proposal and facility is all contingent on a bond issue, approval by the voters. Noted that he is acting on direction from the City Manager to obtain a site and design a building.
7:21:17 AM	Chris Kukulski, City Manager	We are way behind our timeline. There is a lot of speculation as to whether we could get this bond passed. We hope to go to the voters at the election in November. It is my understanding that the County doesn't have any intention of going back before the voters in the near future; possibly years away. We can't get there without a site and real numbers on the cost.
7:22:36 AM	Earl Mathers, County Administrator	We have great awareness that the current situation is far from ideal [at the Law and Justice Center]. This impacts not only the City PD but also the Sheriff's Office and the Courts. The facilities that we

		<p>have are inadequate; they don't do the job at all. The primary issue that we're dealing with is one of timing. We are not ready to move forward. There are many things that we need to be done, such as master planning, determining our needs, the interests of the District Courts, and other matters, before we move forward. Construction of a new Law and Justice Center is also of great importance to us. The fundamental question is how far ahead is the City? I'm not sure that the City is that much farther ahead of us. For a variety of reasons, foremost being the public's best interest, we should move forward with the planning of a joint facility. The initial construction costs would be quite significantly less if we work on this together. We'd save the citizens of both the City of Bozeman and Gallatin County considerable amounts of money in construction as well as the life-cycle costing for the citizens over time in operational costs. We are going to be faced with very severe, austere budgeting scenarios for quite some time which is going to impact virtually every local government in the U.S. For this reason alone we need to be very cautious in our approach to anything we do in the terms of capital improvements and determine what is the optimal use of taxpayer resources. If we could at least keep on the table of co-location for law enforcement facilities that would be prudent of us.</p>
7:26:05 AM	Chairman David Weaver	County Attorney Marty Lambert requested that the Chair read a letter into the record. This was done.
7:28:11 AM	Jan Bjork, District Court Administrator	Read letter written in May 2007 by the District Court Judges to the City and County Commissioners into the record.
7:30:29 AM		Committee discussion and questions with the consultant, City and County officials.
7:30:45 AM	Chairman David Weaver	Has there been an officially adopted Master Plan for the site?
7:30:59 AM	Jeff Sandholm, Dowling Sandholm Architects	We have done a series of different master plans for the site but I don't know if there is an officially adopted plan for the site.
7:31:22 AM	Commissioner Murdock	We did adopt a conceptual master plan with the law enforcement facilities in the northwest corner.
7:31:56 AM	Commissioner White	It was not officially adopted, but up until June 2007 that was what we were using with all of our presentations. There were multiple phases we were working with but it was all designed around that area with connectivity between the City building and the Court

		building. It wasn't until June 2007 when the City started discussing the southwest corner.
7:32:43 AM	Chairman David Weaver	So what the City is proposing is not necessarily contradicting an adopted plan?
7:32:50 AM	Commissioner White	From my point of view the master plan that I was working with, while our focus was on the jail, not necessarily the campus as a whole, was to have the facilities located on the north and east side. It makes more sense for the public.
7:33:59 AM	Chairman David Weaver	Inquired if there is a process or procedure that the county has to go through when selling property?
7:34:10 AM	Commissioner White	The issue before us is whether it is a sale or a lease and how much it is. Carter Goble Lee discussed in their needs assessment that they needed five acres for their entire thing. From the discussion on the County's side is whether to lease or sell and how much property would be included in either one of those options. The Commission has to make a decision on how much property to sell, if we are to sell it. Appraisals have been done on both corners. The first appraisal was on the northwest corner for 2.4 million and the southwest corner for 2.7 million (4.65 acres). The County has to sell for the appraised value unless it goes to auction and no one bids, then it can be sold for 90% of the appraised value.
7:36:45 AM	Chairman David Weaver	I'm not suggested that the Committee get involved in the negotiation of that, I was just wondering what the process is.
7:36:59 AM	Dawn Hayes	Why was the northwest corner not acceptable?
7:37:39 AM	Chief Mark Tymrak	When the county unveiled its master plan, the first thing we looked at was how to carve out five acres and the access - how we would get in and out of the facility. This was the major reason that we changed the proposal to the southwest. When we looked at the yellow line on the plan, you could see that would gobble up County parking and the difference in timelines [County and City] and jail construction, it would not be feasible for us to locate in that area at the time. The other major point of contention was the access to the north. Without access to Koch the police could not get out to the north at all, it would force the police to drive through a crowded parking lot full of pedestrians, trees, and vehicles. The southwest corner afforded us immediate access to 19th Street off of Dickerson and a straight shot on 16th to College. That was the reason for the move.
7:39:05 AM	Chairman David Weaver	Asked for clarification on the map of their access points. [Chief Tymrak noted points on the map.] Asked for the need or issue regarding access in and around the Guenther Center.

7:39:50 AM	Chief Mark Tymrak	There was a concern by the County that the location of our building here would prevent some access to the Guenther building. This is a concern that we worked through with Dowling Sandholm, and they have showed that it does work. This was for walkway access, not vehicle.
7:40:24 AM	Chairman David Weaver	Inquired further about the access issue to the Guenther Center.
7:40:28 AM	Jeff Sandholm, Dowling Sandholm Architects	There is an existing pedestrian pathway from the Law and Justice Center to the Guenther Center. We have a series of angular pathways from the City facility to the Law and Justice Center that shows how the pedestrian access will be maintained.
7:41:08 AM		Questions by committee members regarding the revised location of the Sheriff's building and the Courts.
7:41:34 AM	Jeff Sandholm, Dowling Sandholm Architects	Two years ago we moved the court building to the upper left due to the sally port connection and an upper level connection designed into the new jail. The access from the jail to the court was the primary reason for this change. Noted that this is a conceptual plan. The most detailed thinking has gone into the plan at the police location as far as access and driveways. The first plan's primary focus was parking and would not be designed in the end on this; there is a lot more study and programming that would have to go into that plan. There are a lot of unknowns in a master plan until it is delved into with more detail. We have looked into the southwest corner with much more detail.
7:43:13 AM	Chairman David Weaver	Is there anything about the location in the southwest corner of the police station that affects your opinion about the location of either the Court or the Sheriff's building?
7:43:27 AM	Jeff Sandholm, Dowling Sandholm Architects	We have talked about a shared evidence storage which has been talked about either in a new police building or a sheriff's building. That is one argument for co-location. This really is a campus design and, in my opinion, they all meet the definition of co-location. I think all the schemes provide a lot of connection and interconnectivity. It is a little closer to the potential Sheriff's building.
7:44:23 AM	Chairman David Weaver	Does the location of the Police Department in southwest corner affect your opinion of the rest of the campus - is it driving where everything else goes is it irrelevant to where everything else goes?
7:44:35 AM	Jeff Sandholm, Dowling Sandholm	The way it has progressed - we knew where the jail was going to be and we have been working around that and the existing Law and Justice building to allow for construction. I do think they work well together. From a cost stand point, there is not necessarily

	Architects	going to be a huge cost difference if they are attached or separate. All of the schemes are pretty similar as far as scale and how they work.
7:45:49 AM	David Smith	Asked about any issues with drainage, utilities and the infrastructure design for the site. We know we have a lot of underground water on this site.
7:46:10 AM	Jeff Sandholm, Dowling Sandholm Architects	All of the schemes are difficult but doable. We have a master plan for the drainage on the site because of the jail. Basically everything drains to the north.
7:46:25 AM	David Smith	So putting a building in the southwest corner versus the northwest corner doesn't affect the drainage?
7:46:30 AM	Jeff Sandholm, Dowling Sandholm Architects	At this point it is probably a little better [in the southwest corner] because it is a little higher, dryer and everything goes out to the north, but it isn't a huge driving factor.
7:46:47 AM	Scott Hedglin, Dowling Sandholm Architects	The northwest corner has more underground utilities than the southwest corner. By leaving surface parking up in that area, it leaves access to those utilities if needed.
7:47:03 AM	David Smith	What are you seeing as construction costs now for this office space?
7:47:24 AM	Jeff Sandholm, Dowling Sandholm Architects	The different program elements will probably be more expensive than the general police office space. We are working with Carter Goble Lee on some numbers and would put the general police number in the \$250 per square foot range and around \$325 for the court space. Things are sliding down, so bidding will be a good way to reduce cost.
7:48:06 AM	David Smith	So, at 79,000 square feet at up to \$150 per square foot would be 11.8 million dollars.
7:48:17 AM	Jeff Sandholm, Dowling Sandholm Architects	The scheme that we're looking at now is the 2045 vision, not everything would be built today.
7:48:35 AM		Discussion regarding the phasing options of this building and whether or not the voters would approve the financing for a 79,000 square foot building versus the 10,000 square feet that is currently used. Also discussion on the Carter Goble Lee

		projections for space needs from now until 2045.
7:49:46 AM	David Smith	The City has one municipal court now and needs to go to two? Also, the legislature is considering a fourth district court for Gallatin County as well. Questioned the Sheriff on the issues discussed previously such as working together, the co-location, etc. Asked for the Sheriff's input.
7:51:11 AM	Sheriff Cashell	I think it is a big deal. My preference is to remain in the same building. [Gave an example of the relocation of the County Attorney and the issues/disconnect that has caused.] Expressed that his concerns in the separation are related to the criminal justice records which are currently in one facility connected to the 911 Center. There could be an increase in operational costs when we are broken into two buildings. [Chairman Weaver asked for the Sheriff's opinion on the location of the Sheriff's structure on the proposed plan.] The Sheriff stated that at this time it doesn't concern him. The response from law enforcement immediately into the jail in case there is a problem and how to get inmates to and from the jail and court in a secure manner. This is how we came up with the original plan, which allowed for us to move people to one place, respond immediately to the jail structure and get inmates to court without taking them outside. This new plan does meet my view of the definition of co-location. My preference is that we live in the same building. It has worked well for 20 years and it is just the way to go.
7:55:21 AM	David Smith	Asked Chief Tymrak if in the perfect world, his main drive for the southwest corner is due to access issues.
7:55:43 AM	Chief Mark Tymrak	The main drive is that we know we need a new facility. We started looking at options, including the Mandeville property. It was the hopes of everyone that we continue with the co-location, but I don't see a problem with a walk across the street. I do think it is a great benefit to the community to stay on the current site. The 18 acres will work for all of us. Timelines and access are the biggest issues. We don't see this as a deal breaker - our people walk across the street every day to the County Attorney's Office, the Sheriff's Detectives and Police Detectives meet in the County Attorney's Office on a weekly basis.
7:56:58 AM		Discussion regarding the parking layout and traffic flow with the new facility in the southwest corner.
7:58:13 AM	David Smith	Asked for a number of times in a week or day that the [police officers] have to leave quickly; and how many times does a Sheriff Deputy do the same.
7:58:39 AM	Chief Mark	Both departments are in and out constantly. The emergencies

	Tymrak	situations fluctuate greatly.
7:59:13 AM	David Smith	Your cars would be going through two different areas that are protected, with safe easy exit to the west and north. The question is then if we are putting our Sheriff Deputies into a difficult situation by locating them within the property.
8:00:22 AM	Chief Mark Tymrak	The Sheriff's Department would have a direct shot to 19th Avenue on Dickerson and a direct shot on 16th to College.
8:00:44 AM	Sheriff Cashell	The reality is this doesn't change much for us than how it is now. Most of our vehicles are out in the field, not on the campus. We have take-home car policy so they are out in the field most of the time.
8:01:53 AM	Chris Kukulski, City Manager	Expressed that he is trying not to be frustrated. We have a want and we all would love to go out there and do a 120,000 square foot building that is going to serve all of our needs. I have never heard or seen a proposal for that kind of facility. There is a want and what we can do. We have been driven for over two years to get the City going in its facility. Always with the notion that we would have two bonds. We can't keep going year after year after year pushing this thing off. Ideally we would both go out for bonds at the same time and if they both passed we'd proceed with building our facilities. Never have those buildings even had a shared wall. We've liked the idea of a shared wall in the past but as the first designs came along they didn't weren't taking care of all of the needs of both entities. We budgeted to design a building and secure a piece of land. In serving our citizens there is a component of when we can serve them, and we need to do that now. We were extremely impressed with how well Dowling Sandholm laid out a plan that meets all of the needs and concerns of the City and the County. Now we are being veered off with the idea of one building. We have always supported the idea of co-location, but the idea of co-location being one big building is just not accurate. MSU is a campus with co-located buildings on one campus. Dowling Sandholm designed a plan that meets first and foremost all of the County's needs and concerns and then address the City's needs. We are negotiating a lease to move our court out so that we can have two courts elsewhere because we have an immediate need.
8:06:51 AM	David Smith	I sense your frustration and we have frustration as well. You have been in public policy long enough to know that this is the vetting process and the citizens would hope that by the time the process gets to them that there have been these kinds of meetings and discussions so that when we do go to the voters we can assure them that we have confidence in what we are bringing to them.

		We are also the County CIP Committee and our priorities are to serve the County citizens.
8:08:56 AM	Chairman David Weaver	I look at things like Carter Goble Lee study which complimented and noted that the County/City function that performed best was the co-location of these services. What the definition of co-location is, is part of this discussion. When we were choosing a site for the jail it was a concern of this committee to locate the jail on this site mainly due to the space on this site. I continue to have concern about the space on this site for the long-term use given estimated growth rates. With those comments in mind along with the City Manager comments, which I hear is that our timelines aren't in sync. Then I question how to address all those issues in developing this property. Could it be possible that a building could be designed for Police Department such that the Sheriff's Office could be added to later, so that they are co-located and the timelines could be met?
8:10:41 AM	Jeff Sandholm, Dowling Sandholm Architects	This is definitely a possibility and it most likely could work in the southwest corner. Design and construction wise there is nothing that would preclude this. This was discussed at our last presentation and everyone agreed that this could be a good idea. I know it would work on the site and I think it would work on the southwest corner. The thing that is a concern is the key program elements that need to be on the first level. We would need to look into this more thoroughly.
8:14:47 AM	Chairman David Weaver	Asked the Commissioners what they want the CIP Committee to do.
8:14:59 AM	Commissioner Skinner	I think we need a recommendation from you (committee), whether or not this would be a good idea.
8:15:38 AM	Commissioner Murdock	I am asking you as you're planning and priorities if this fits in that concept. Is this a good idea or not. It is not just a question of whether we should sell or not sell the property, but the overall master planning, priorities for bricks and mortar needs for the County. You've identified a new Law and Justice Center as the next big recommendation. This is a big decision and I think this committee needs to decide and make a recommendation to the Commission whether this works and fits with the overall county plans and whether it is in the best county interest. I've heard all your questions and concerns and I think this is direction that you are headed in. I truly want your advice on this.
8:17:15 AM	Mary Ellen Fitzgerald	When do you need to have this advice?
8:17:26 AM		February 27th.

8:17:33 AM	Commissioner White	I agree with the other Commissioners on this. One thing I'd like to highlight for your consideration is that as you examine this entire plan that it is really important to remember the public and their use of the facility and the campus. To me the entire thing is the parking. If there are any issues that we will have to deal with in the future, this is the one opportunity that we have to address with these things. The role of the CIP is to give a complete examination of the different location options. The other thing to note is the fourth judge matter. If there are four judges, there will only be three courtrooms and they will be set up on a rotation.
8:19:18 AM	Chairman David Weaver	Asked for confirmation that the City is moving forward with moving the municipal court out of the Law and Justice Center. [yes] So, that space will be available for County needs in the near future.
8:19:48 AM	Chris Kukulski, City Manager	We are trying negotiating with a tenant in town because we have had situation where issues were dismissed because they didn't have a speedy trial. There is no place on or next to this site, so we are looking for a temporary solution in the mean time. I don't understand why courtrooms can't be shared, so if there is a way that we can rotate around inside that building with another second part time municipal judge, we'd rather do that then spend the money to go out and lease and renovate space in another part of time.
8:21:18 AM	Mary Ellen Fitzgerald	If we were to offer the acreage for sale to the City, it is open to anyone to bid on that property?
8:21:47 AM	Ed Blackman, Finance Director	I have looked at some sections in law that say that governments can sell land to each other without going to full auction. Whether or not that pertains to this situation would be up to the County and City Attorney.
8:22:43 AM	Mary Ellen Fitzgerald	Requested that someone in law enforcement explain to her who goes to City Court and whether or not they have to come from the Detention Center.
8:23:01 AM	Chief Mark Tymrak	City/Municipal Court, Judge Karl Seel, does video arraignments so it doesn't matter where he is sitting in comparison to the jail. All of his appearances are done by video. If there is someone in jail that would need to be taken to the Municipal Court, it would be the responsibility of the Bozeman Police Department to provide the transport.
8:24:08 AM	David Smith	Inquired about the distance from front door of proposed police department over to court building and along each of the pathways.
8:24:26 AM	Jeff Sandholm,	It is probably approximately 300 feet from the police to the County law enforcement building, in that range.

	Dowling Sandholm Architects	
8:25:19 AM	Eric Bryson, Court Services Director	Our operations are on the first floor of the Guenther Center. Each time a prosecutor goes to court they walk from the Guenther to the Law and Justice Center. Each time a pre-trial officer goes to court, and they do to all of the courts in the current building, they walk from the Guenther Center over there. In addition, the 300 people that we have under supervision walk from court or jail over to the Guenther Center. The walking distance on that site is a well regulated, well used path. The distance is not prohibitive. The distance is not that far and the distance on the proposed plan is even less.
8:26:32 AM	Chairman David Weaver	The primary concern is the transportation of inmates from the jail to city court. It sounds like that isn't an issue now but might be once we have a new jail and there are more people before the city court that are incarcerated?
8:26:54 AM	Eric Bryson, Court Services Director	As the Director of Court Services I am hopeful that we will continue to release people under supervision. Even the numbers of people and volume will be minimal in comparison to the number that access the Guenther Center on a weekly basis. Noted again that Municipal Court does all of their initial appearances by video. Also noted that City Court doesn't deal with felons; they are misdemeanor offenses.
8:28:22 AM		Board discussion.
8:29:31 AM	Mary Ellen Fitzgerald	I would like to have my question answered about the property and the legality of selling the property and the possibility of someone from the community buying it rather than the City.
8:30:12 AM		Ed Blackman and Earl Mathers were requested to secure an answer to this question for the CIP Committee
8:30:40 AM	Chief Mark Tymrak	Noted that the City would get an answer from Acting City Attorney on this as well. Also noted that the City and County have a joint meeting scheduled for February 27th where this topic is the main agenda item. Stated that it would be nice to have an answer from the CIP Committee prior to that meeting.
8:31:10 AM	David Smith	Stated that he doesn't need a lot more information. I am trying to remember where our role is and keep that in focus versus the wants versus needs. I as a taxpayer want some things but there are also things that are necessary and need to go forward. Offered a compliment to Jeff and his group on the concept for a good job done. The discussion today is different than what it was before the election. We have a project; we know we can go forward. My

		inclination right now is based on the design that Jeff's group did and commentary here, I'm not thrilled but am maybe willing to "swallow a pill" and see if it can go forward.
8:33:30 AM	Chairman David Weaver	The question that I'd have for members of the committee is the concept of co-location. What does it mean or are there variations of the word. This is a primary question here. At this point I don't have an opinion about what is or isn't co-location. It is certainly echoing the concerns that the worst possible scenario would be having the City somewhere other than this site. How can be best put them on the same site? Is there a design or site plan that would allow for co-location and meets the timelines of both entities that would be a shared building with the initial construction being only for the City and eventually build for the County? One of the things that is still haunting me about this site is that it might not be big enough by 2045 to put everything on it that we need to and maintain co-location; this makes me question whether one larger or three smaller buildings would be better to mitigate the space issues. Proposed that this be tabled for now and bring it back on the 25th to finalize and issue comments to the County Commissioners. The review of the applications can be pushed to March if necessary.
8:38:07 AM	David Smith	Reminded the committee that we shouldn't get bogged down in sale or lease or size; just focus on what is the best interest of County long-term and City.
8:38:58 AM		Meeting adjourned.